

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOSEPH PAPIN

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:17-CV-763 KHJ-FKB

UMMC, et al.

DEFENDANTS

**DEFENDANTS RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COME NOW, the Defendants University of Mississippi Medical Center, Dr. T. Mark Earl in his individual capacity, Dr. LouAnn Woodward in her official and individual capacity, and Dr. Steven Bondi, in his individual capacity and files this, their Response in Opposition to the Plaintiff's Motion for Partial Summary Judgement and would respectfully show unto the Court the following:

1. The Defendants filed a comprehensive motion for summary judgment/qualified immunity to all of the Plaintiff's claims. [ECF 140].
2. The Plaintiff filed his motion for partial summary judgment against UMMC based on his state law due process claims and the application of the Mississippi Tort Claims Act to his claim for breach of contract.
3. UMMC has immunity under the discretionary function immunity for Plaintiff's MTCA due process claims.
4. Plaintiff received all the pre-termination due process required by law.
5. Plaintiff received all the post-termination due process required by law.
6. Plaintiff received all required notice.

7. Plaintiff's hearing satisfied due process.
8. No members of the committee had a bias or prejudged Plaintiff's appeal.
9. Plaintiff cannot create an issue of fact that his appeal hearing was a "sham."
10. The MTCA does not provide immunity to a claim for breach of an express contract.

11. For the reasons herein and in the accompanying brief, Plaintiff's Motion for partial summary judgment should be denied, and the Defendant's Motion for Summary Judgment/Qualified Immunity should be granted.

12. In support of the Response in Opposition to the Plaintiff's Motion for Partial Summary Judgment, the Defendant submits the following:

1. Deposition Excerpts of Dr. Steve Bondi, Exhibit 1.
2. Deposition Excerpts of Dr. Jimmy Stewart, Exhibit 2.
3. Deposition Excerpts of Dr. Mark Earl, Exhibit 3.
4. Deposition Excerpts of Plaintiff Papin, Exhibit 4.
5. Faculty and Staff Handbook Excerpts, Exhibit 5.
6. Evaluate Report, Exhibit 6.
7. IHL Tenured Faculty Policies, Exhibit 7.
8. The Exhibits to the Defendants Motion for Summary Judgment
[ECF 140]

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request for the reasons stated herein and in the accompanying memorandum brief, as well as, in their own Motion for Summary Judgment and accompanying brief [ECF 140 and 141], that the Court deny the Plaintiff's Motion for Partial Summary Judgment and grant the Defendants' Motion for

Summary Judgment [ECF 140] and dismiss all claims against the Defendants..

Respectfully submitted this the 31st day of March, 2021.

**THE UNIVERSITY OF MISSISSIPPI
MEDICAL CENTER; DR. STEVE BONDI
individually, DR. MARK EARL individually,
and DR. LOUANN WOODWARD in her official
and individual capacity**

By: /s/ Tommy Whitfield

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CERTIFICATE OF SERVICE

I, **Tommy Whitfield**, of the **Whitfield Law Group, PLLC**, the undersigned attorney, do hereby certify that I have this day electronically filed the above and foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Gregory Schmitz
Ryan Morgan
Jolie Pavlos
Martin Jelliffe
Morgan & Morgan
20 N. Orange Avenue, 15th Floor
Orlando, FL 32801
Counsel for Plaintiff

THIS, the 31st day of March, 2021.

/s/ Tommy Whitfield

TOMMY WHITFIELD, MSB# 102482